



VIRGINIA EMPLOYMENT COMMISSION
DECISION OF APPEALS EXAMINER

NOTICE: This decision becomes final unless appealed in writing by any party named setting forth the grounds upon which the appeal is sought either at the office where the claim was filed or by mail to the Appeals Section, Virginia Employment Commission, P.O. Box 1358, Richmond, Virginia 23211, not later than midnight of

In the matter of:

Claimant:

Shirley Amos
Route #1, Box 246
Cleveland, Virginia 24225

Last 30-Day Employing Unit:

Appalachian Senior Citizens
P. O. Box FVCC
Richland, Virginia 24641

Subsequent Employing Unit:

Appellant:

Claimant
 Last 30-Day Employing Unit
 Subsequent Employing Unit

Claimant's S.S. No.:

[REDACTED]

Decision No.:

UI-83-5402.

Date Deputy's Determination:

April 20, 1983

Date Referred or Appealed:

May 5, 1983

Date of Hearing:

June 3, 1983

Place of Hearing:

Richlands, Va.

Date of Decision:

June 16, 1983

Date of Mailing:

June 16, 1983

APPEARANCES: Claimant; Attorney for Claimant

STATUTORY PROVISIONS & POINTS AT ISSUE: Code of Virginia, Section 60.1-52.2 - Has the claimant performed services for an employer for remuneration during thirty days, whether or not such days are consecutive, subsequent to the beginning of the immediate preceding benefit year during which she received benefits?

FINDINGS OF FACT: The claimant appealed from a determination of the Deputy which declared her ineligible for benefits under the provisions of Section 60.1-52.2 of the Code of Virginia.

The claimant filed a claim for unemployment compensation benefits, effective February 22, 1981, giving Appalachian Senior Citizens of Richlands, Virginia where she worked from November 13, 1979 through February 20, 1981 as her last thirty-day employer. She was certified for benefits and continued to claim and receive weekly benefits until she exhausted that claim. She again filed a claim for unemployment compensation benefits, effective February 21, 1982 with Appalachian Senior Citizens as her last thirty-day employer and was determined to be monetarily entitled to weekly benefits in the amount of \$71 for a maximum duration of 12 weeks. She continued to claim and receive these weekly benefits until she exhausted the claim.

The claimant again filed a claim for unemployment compensation benefits, effective February 20, 1983, with Appalachian Senior Citizens as her last thirty-day employer. Her only other employment since February 20, 1981 was with Piggly-Wiggly of Lebanon, Virginia where she worked from March 2, 1982 through April 25, 1982, a total of 20 working days.

OPINION: Section 60.1-52.2 of the Virginia Unemployment Compensation Act provides that no individual may receive benefits in a benefit year unless subsequent to the beginning of the immediate preceding benefit year during which she received benefits, performed services for an employer for remuneration during thirty days, whether or not such days are consecutive.

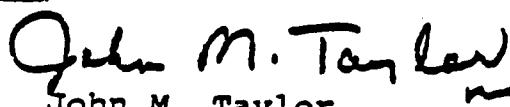
In the matter now under consideration, the claimant, by way of her attorney, argues that the term "during" thirty days should be interpreted in accordance with the Webster's dictionary definition of "at a point in the course of" or that employment of any number of days within a thirty-day period should satisfy the statutory requirement. The Appeals Examiner cannot accept this contention.

In addition to the remainder of Webster's definition, "throughout the duration of," Black's Law dictionary defines "during" as "throughout the course of; throughout the continuance of; in the time of; after the commencement and before the expiration of."

The legislature expressly provided thirty days as the determining factor and were the claimant's argument to be applied, thirty days would lose all sense of relevancy. The Appeals Examiner is of the opinion that the term "during thirty days" clearly contemplates work performed on thirty separate days without demanding the completion of any customary or standardized shift on each of those days in deference to those employees who are scheduled to work only a few hours per day.

In view of the above, since the claimant has not performed services for an employer for remuneration during thirty days following her claim for benefits, effective February 22, 1981, and her subsequent receipt of benefits during that previous claim, the Appeals Examiner finds that she was correctly determined ineligible for unemployment compensation benefits.

DECISION: The determination of the Deputy is hereby affirmed. It is held that the claimant has not performed services for an employer for remuneration during thirty days, whether or not such days were consecutive, subsequent to the beginning of the immediate preceding benefit year during which she received benefits, and she is ineligible for unemployment benefits, effective February 21, 1982.


John M. Taylor
Appeals Examiner